

## PATENT APPLICATION

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on \_\_\_\_\_, 2001.

Deborah A. Pascoe, Reg. No. 31,649  
Jeffrey D. Myers, Reg. No. 35,064

(Date)

2001

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Brad Baker

Serial No. 09/807,313

Filed: June 28, 2000

For: PAINT SET CONFECTIONERY

Examiner: L. Tran

Group Art Unit 1761

DECLARATION OF BRAD BAKER UNDER 37 C.F.R. § 1.68

Commissioner for Patents  
Washington, D.C. 20231

Sir:

Brad Baker declares as follows:

1. I am the inventor of the subject matter of the above-identified patent application.

Furthermore, I am President of the Assignee, Impact Confections, Inc. ("Impact").

2. The present invention is marketed by Impact under the trademark LOLLIPOP PAINT SHOP.

3. The invention has enjoyed astounding commercial success. Since its introduction in 1999, sales of approximately Thirty Million dollars U.S. (\$30,000,000) have been achieved.

4. Furthermore, the invention received the Professional Candy Buyer's Product of the Year Award for the Year 1999 in the Novelty category (winners in two of the other four categories being LifeSavers Co. and Hershey Chocolate USA). A copy of the article describing the award is attached.

FAX RECEIVED  
DEC 19 2001  
GROUP 1700

**PATENT Ser. No. 09/507,313**

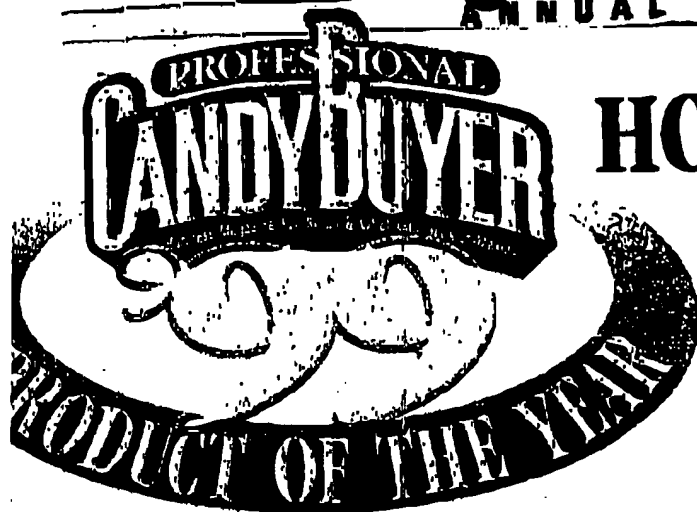
---

5. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-referenced application or any patent issuing thereon.

Date: \_\_\_\_\_

\_\_\_\_\_  
Brad Baker

F:\AMDS\Impact\Impact\_dcd\_313.doc



# HONORING THE BEST OF 1999

*Fierce competition for 1999 honors attracted 5,000 votes, resulting in five winners and seven Merit Awards*

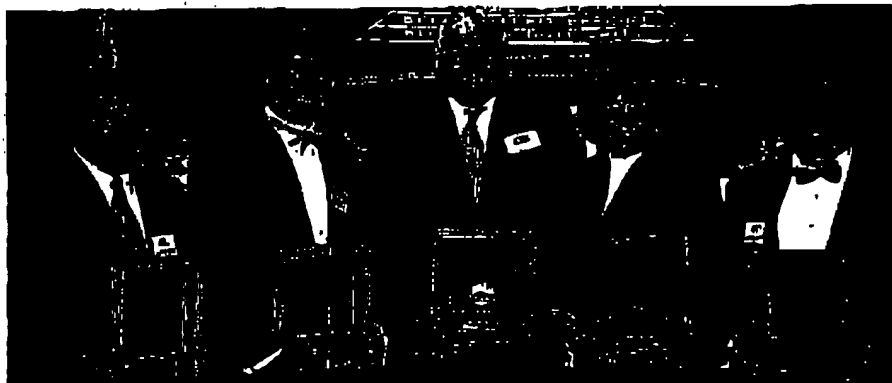
**C**LEVELAND HOSTED THE 7th ANNUAL PROFESSIONAL CANDY BUYER PRODUCT OF THE YEAR AWARDS at a black-tie gala dinner that attracted more than 250 candy industry dignitaries and guests. The event, held in conjunction with the National Confectionery Sales Association's 101st Annual Meeting and Candy Hall of Fame induction banquet (see page 120), honored 11 of 23

nominated products.

To present the awards, PROFESSIONAL CANDY BUYER Publisher Steve Forster and Associate Publisher & Editor-In-Chief Teresa Turantino introduced each of the nominated products before revealing the winners and Merit Award recipients in each of the five product categories.

Forster told industry guests that this year's award

*continued on page 42*

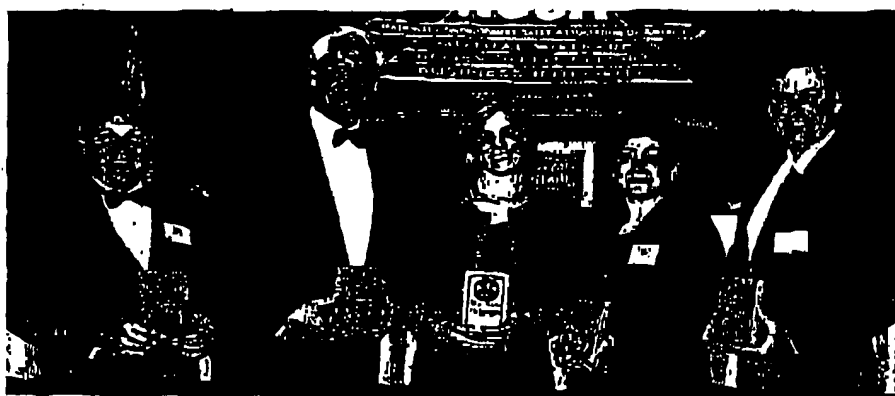


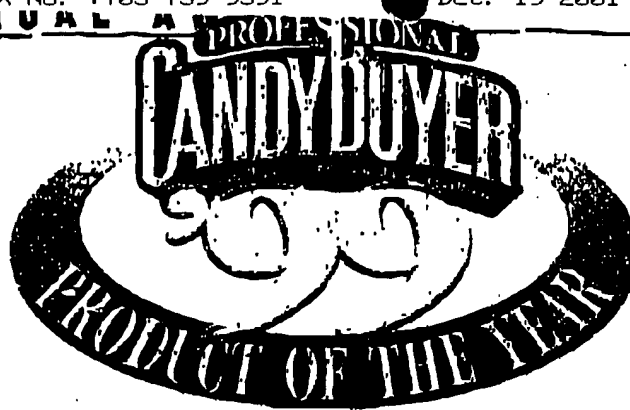
## PRODUCT OF THE YEAR WINNERS

Left to right: Tim Dunigan, Hershey Chocolate USA, Greg McCormack, Bobs Candies, Inc., Joe McEnerney, Impact Confections, Inc., Joan Sweeting, Madelaine Chocolate Novelties, Inc. and Mike Ferrotti, LifeSavers Co.

## MERIT AWARD WINNERS

Left to right: Greg Barrett, Just Born, Inc., Michael Gilmore, Ferrero USA, Inc., Meg Young, The Topps Co., Inc., Roberta Cappel, Dorval Trading Co. Ltd. and Jeff Kreidenweis, Roseville Corp. Not pictured is Leslie Coopersmith, Guylian USA Inc.



NOVELTY  
WINNER

**Lollipop Paint Shop**  
Impact Confections,  
Inc.

CHOCOLATE  
WINNER

**Hershey's Bites**  
Hershey Chocolate USA



Continued from page 40  
program attracted record  
voting, with nearly 5,000 ballots  
cast. They were collected from  
buyers, brokers and suppliers,  
with special attention paid to  
candy buyers' votes.

Forster said: "The products  
were nominated by the magazine's  
readers at the end of last year.  
They represent items that our  
readers thought were worthy of  
special attention in that they were  
either new products, existing items  
repackaged with additional  
benefits or successfully offered in  
new promotions.

"Also nominated were existing  
items that broke through during  
1999," he said.

From a list of more than 100  
products, the top four or five  
products nominated in each  
category were put forward for  
reader voting, he explained.

"Competition was extremely  
fierce this year, and in all, the  
nominated products gathered  
nearly 5,000 votes — many more  
than in previous years," he said.

The five categories, he told  
attendees, were chocolate,  
non-chocolate, novelty.

Continued on page 15

## LIFE SAVERS

SEASONAL  
WINNER

**Bobs LifeSavers  
Canes**  
Bobs Candies, Inc.

NON-  
CHOCOLATE  
WINNER

**Creme Savers**  
LifeSavers Co.

UPSCALE/  
GOURMET  
WINNER

**Chocolate  
Roses**  
Madelaine Chocolate  
Novelties, Inc.



# LORUSSO & LOUD

**ATTORNEYS AT LAW**

A PROFESSIONAL ASSOCIATION INCLUDING PROFESSIONAL CORPORATIONS

*Intellectual Property Law ■ Patents ■ Trademarks ■ Copyrights*

---

ALEXANDRIA, VIRGINIA ■ BOSTON, MASSACHUSETTS ■ PORTSMOUTH, NEW HAMPSHIRE

---

***FACSIMILE COVER SHEET***

DATE: December 18, 2001

TO: Examiner Tran

FROM: George A. Loud

RE: 09/607,313

TOTAL NUMBER OF PAGES (INCLUDING COVER SHEET): 5

FACSIMILE NUMBER: 703 305 7718

**MESSAGE**

Transmitted herewith is the proposed declaration of Brad Baker for the interview on December 19th.

Please telephone (703) 739-9393 if you do not receive or cannot clearly read the information transmitted herewith. This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt for disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to us at the above address via the U.S. Postal Service. Thank you.

3137 Mount Vernon Avenue  
Alexandria, Virginia 22305

Telephone: (703) 739-9393 Facsimile: (703) 739-9391 Email: GALOUD@AOL.COM

**FAX RECEIVED**  
DEC 19 2001  
GROUP 1700  
**OFFICIAL**